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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHI CHEN, et al.,

11 Plaintiffs,

12 v.

13 U.S. BANK NATIONAL ASSOCIATION, et
14 al.,

15 Defendants.

Case No. 16-1109RSM

ORDER GRANTING U.S. BANK'S
SECOND MOTION FOR ATTORNEY
FEES

16 This matter comes before the Court on Defendant U.S. Bank National Association
17 ("U.S. Bank")'s Motion for Fee Award. Dkts. #213. This Motion is in response to the Court's
18 recent Order compelling discovery responses. Dkt. #211. No Plaintiff has opposed this Motion.

19 Rule 37 provides that if a motion to compel is granted, "the court must, after giving an
20 opportunity to be heard, require the party or deponent whose conduct necessitated the motion,
21 the party or attorney advising that conduct, or both to pay the movant's reasonable expenses
22 incurred in making the motion, including attorney's fees." Rule 37(a)(5)(A). District courts
23 have broad discretion to determine the reasonableness of fees. *Gates v. Deukmejian*, 987 F.2d
24 1392, 1398 (9th Cir. 1992). To make this determination, courts determine the "lodestar
25 amount," which is calculated by multiplying the number of hours reasonably expended by a
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1 reasonable hourly rate. *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th Cir. 2008).
2 The lodestar figure is presumptively a reasonable fee award. *Id.* at 977. The court may adjust
3 the lodestar figure up or down based upon the factors listed in *Kerr v. Screen Extras Guild, Inc.*,
4 526 F.2d 67, 70 (9th Cir.1975). The court need not consider the *Kerr* factors, however, unless
5 necessary to support the reasonableness of the fee award. *Cairns v. Franklin Mint Co.*, 292
6 F.3d 1139, 1158 (9th Cir. 2002).
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8 The Court has reviewed the submitted materials and finds that the number of hours
9 incurred, and the hourly rates charged by counsel, are reasonable given the number of Plaintiffs
10 and the complexity of discovery in this case.
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12 Having reviewed the relevant pleadings, the declarations and exhibits attached thereto,
13 and the remainder of the record, the Court hereby finds and ORDERS:

- 14 1. Defendant U.S. Bank's Motion for Fee Award is GRANTED.
15 2. All Plaintiffs collectively shall pay U.S. Bank \$49,357.80 as reasonable expenses.
16 3. **Payment shall be made within thirty (30) days of the date of this Order**, in a
17 manner to be specified by U.S. Bank.
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19 DATED this 13 day of January 2020.

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22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE
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